

## Message Text

CONFIDENTIAL

PAGE 01 USBERL 00934 01 OF 02 210612Z  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10  
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11  
MCT-01 SY-05 ACDA-12 IO-13 TRSE-00 /097 W  
-----119794 210722Z /14

R 201620Z APR 78  
FM USMISSION USBERLIN  
TO AMEMBASSY BONN  
INFO SECSTATE WASHDC 6680

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0934

E.O. 11652: GDS  
TAGS: PGOV, BQG, AKB, PORS  
SUBJECT: CONTINUED FRG INTEREST IN QUESTION OF ARMS FOR TRIAL  
OFFICIALS IN BERLIN

REF: (A) BONN 6169, (B) BONN 6865, (C) USBERLIN 0674

BEGIN SUMMARY: THIS MATTER IS UNDER CONTINUING ACTIVE ALLIED  
MISSION CONSIDERATION, SPURRED BY NAGGING CONCERNS (WITHIN  
THE US AND BRITISH MISSIONS) OVER ALLIED POLITICAL LIABILITY  
IN THE EVENT OF A TERRORIST ACTION. ALLIED MISSION ADVISERS  
DIFFER IN THEIR ASSESSMENTS OF THE VALIDITY OF THE ARGUMENTS  
PUT FORWARD FOR ARMING AND, INTER ALIA, FOR STRETCHING  
ALLIED LEGISLATION TO ACCOMMODATE ANY CHANGES. THE FRENCH  
TO A MAN ARE MAINTAINING THEIR SEA ANCHOR FUNCTION, ARGUING  
THAT NO CHANGES ARE JUSTIFIED, ESPECIALLY UNDER WHAT THEY  
REGARD AS THE PRESSURE OF THE MOMENT. THE BRITISH AND US  
MISSIONS ARE MORE CONCERNED THAT THE MATTER BE FULLY VETTED  
IN LIGHT OF THE POSSIBILITY THAT CHANGING CIRCUMSTANCES MAY  
BE SUFFICIENT TO WARRANT SOME REVISION IN THE TRADITIONAL  
ALLIED APPROACH. WHILE THERE SEEMS AT THE MOMENT LITTLE  
PROSPECT OF ACHIEVING ALLIED CONSENSUS IN THE NEAR  
FUTURE ON ANY CHANGE, WE BELIEVE THE SERIOUSNESS OF THE  
TERRORIST THREAT AND GROWING AMBIVALENCE TOWARDS RESTRIC-  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 00934 01 OF 02 210612Z

TIVE ALLIED WEAPONS LAWS ON THE PART OF SOME LEADING  
POLICE OFFICIALS MAKE PURSUIT OF A REVIEW NECESSARY.  
ULTIMATELY A HIGH LEVEL DECISION MAY BE NECESSARY TO  
ACCOMPLISH ALLIED UNITY, IF A CHANGE IS FELT DESIRABLE.  
WITH RESPECT TO RESPONDING FURTHER TO FRG EXPRESSIONS  
OF CONCERN IN THE BONN GROUP, WE ARE OF COURSE BOUND TO  
DEFEND OUR FEBRUARY DECISION. WE WOULD NOT WISH TO

BRING FURTHER GERMAN PRESSURE ON OURSELVES BY SAYING ANYTHING WHICH (IF LEAKED) COULD BE MISINTERPRETED AS INDICATING THE ALLIES ARE ON THE VERGE OF PERMITTING PRIVATE ARMING, OR FOR THAT MATTER WHICH MIGHT FLUSH OUT ACTUAL CURRENT INTRA-ALLIED DIFFERENCES. WE ARE ENDEAVORING, HOWEVER, TO OBTAIN ALLIED MISSION AGREEMENT ON A RESPONSE FOR BONN GROUP USE WHICH WOULD MAKE IT CLEAR THAT THE SAFETY OF TRIAL OFFICIALS IS A CONTINUING TOPMOST ALLIED CONCERN, WITHOUT SAYING THE MATTER IS UNDER REVIEW. END SUMMARY.

1. ALLIED MISSIONS HERE ARE CONTINUING TO DISCUSS THE QUESTION OF ARMING PROSECUTORS AND JUDGES IN THE JUNE 2 AND CONCEIVABLY OTHER TERRORIST TRIALS IN BERLIN. AT A MEETING ON APRIL 5 ALLIED CIVIL AFFAIRS, LEGAL AND PUBLIC SAFETY REPRESENTATIVES ATTEMPTED TO OUTLINE THE PRESENT SITUATION ON ARMING INDIVIDUALS, RECENT DEVELOPMENTS OF SIGNIFICANCE, AND POSSIBLE OPTIONS FOR CHANGE. THE MEETING DID NOT ATTEMPT TO REACH CONCLUSIONS AND THE NEXT STEP IS NOT YET CLEAR. THE BRITISH SEEM TO FAVOR WORKING TOWARDS AGREEMENT ON AN EVENTUAL ALLIED APPROACH TO THE SENAT, LAYING OUT WHAT IS POSSIBLE SHOULD THE SENAT WISH TO PURSUE ADDITIONAL SECURITY MEASURES FOR ENDANGERED INDIVIDUALS IN BERLIN. THE FRENCH SEEMINGLY PREFER TO AWAIT A FORMAL APPROACH FROM THE SENAT BEFORE CONSIDERING ANYTHING MORE. A FULL REPORT OF THE APRIL 5 MEETING  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 00934 01 OF 02 210612Z

PROVIDED BY THE BRITISH IS BEING POUCHED TO BONN AND EUR/CE. (NOTE: WHILE IT IS A FAIRLY ACCURATE REFLECTION OF THE POINTS COVERED AT THE MEETING, AT WHICH THE BRITISH DID MOST OF THE TALKING, THE FRENCH WITH SOME JUSTIFICATION FEEL IT DOES NOT ADEQUATELY CONVEY THEIR RESERVATIONS. IT SHOULD NOT IN ANY CASE BE CONSIDERED AS A JOINT PAPER OR AS AN AGREED SUMMATION.)

2. AT THE DEPUTY POLADS' MEETING APRIL 11, THE US DEPUTY POLAD PURSUED THE ISSUE OF ARMING PROSECUTORS AND JUDGES, APPEALING FOR MORE CONSIDERATION. HE MADE REFERENCE TO APPARENT CONNECTIONS BETWEEN THE JUNE 2 MOVEMENT AND ITALIAN RED BRIGADES, AND NOTED THAT THE LATTER HAD SOUGHT TO DISRUPT THE TURIN TRIAL BY THE SIMPLE DEVICE OF ATTACKING ANYONE INVOLVED. (ROME'S 7216 GIVES ADDITIONAL INFO FROM ITALY ON THIS POINT.) THE US DEPUTY POLAD THOUGHT IT WAS FAIR TO CONCLUDE THAT THE PROSECUTORS AND JUDGES AT THE JUNE 2 TRIAL WERE THE SINGLE MOST ENDANGERED GROUP OF INDIVIDUALS IN BERLIN TODAY. HE ALSO NOTED THE LEGAL CONCLUSION OF THE BRITISH LEGAL ADVISER THAT IT WOULD BE POSSIBLE TO PROVIDE ARMS TO JUDGES AND PROSECUTORS WITHOUT ALTERING ACC LAW NO. 2 INASMUCH AS THAT LAW PROVIDES FOR THE ISSUANCE

OF ARMS TO "OFFICIALS", A GROUP TO WHICH PROSECUTORS AND JUDGES WOULD APPEAR TO BELONG.

3. AS ANTICIPATED, BRITISH AND FRENCH DEPUTY POLITICAL ADVISERS TOOK A NEGATIVE VIEW OF THE US REQUEST FOR CONTINUED CONSIDERATION OF THIS PROPOSAL. MAIN ARGUMENTS WERE THAT POSSESSION OF WEAPONS WOULD NOT ENHANCE THE SECURITY OF AFFECTED INDIVIDUALS, THAT THEY WOULD THEN BE PROTECTED BOTH BY BODYGUARDS AND BY POSSESSION OF FIREARMS (IN CONTRAST TO SOME INDIVIDUALS IN BERLIN WHO RECEIVE NEITHER FORM OF PROTECTION BUT FEEL ENDANGERED) THAT THEY WOULD NOT BE EXPERIENCED IN THE USE OF FIREARMS, AND THAT PERMITTING THEM TO BEAR FIREARMS WOULD LEAD TO QUESTIONS ABOUT WHY OTHER PERSONS SHOULD NOT BE ALLOWED

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USBERL 00934 01 OF 02 210612Z

TO BEAR THEM.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USBERL 00934 02 OF 02 210628Z  
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10  
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11  
MCT-01 SY-05 ACDA-12 IO-13 TRSE-00 /097 W  
-----120022 210722Z /14

R 201620Z APR 78  
FM USMISSION USBERLIN  
TO AMEMBASSY BONN  
INFO SECSTATE WASHDC 6681

C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 0934

4. APPROACHES APPARENTLY MORE ACCEPTABLE TO THE BRITISH AND TO SOME DEGREE TO THE FRENCH RAISED AT THE APRIL 5 MEETING INCLUDE EXPANDING THE BERLIN POLICE TO INCLUDE MORE BODYGUARDS OR ESTABLISHING A SPECIAL PRIVATE BODY-GUARD SERVICE UNDER SUITABLE SAFEGUARDS AND POLICE AUSPICES. THE PRIMARY DIFFICULTY WE SEE IN SUCH PROPOSALS IS THAT THEY WOULD NOT BE RESPONSIVE TO THE SPECIFIC REQUEST (TO CARRY ARMS) AND IN ANY CASE WOULD NEED A

LONG PERIOD OF TIME BEFORE THEY COULD BE IMPLEMENTED. THE JUNE 2 TRIAL WOULD PROBABLY BE OVER BY THE TIME ADDITIONAL RECRUITMENT HAD BEEN COMPLETED AND PERSONS HAD BEEN CLEARED AND TRAINED. DESPITE THE ALLIED DECISION OF LAST SEPTEMBER PREPARATIONS ARE STILL UNDERWAY TO IMPLEMENT THE ALLIED PERMISSION FOR TRANSPORTERS OF MONEY TO CARRY ARMS.

5. WE RECOGNIZE ALL THE ARGUMENTATION AGAINST ALLOWING A SELECT CIRCLE OF PERSONS INVOLVED IN THE TERRORIST TRIALS TO BEAR ARMS. WE QUESTION, HOWEVER, WHETHER THE PSYCHOLOGICAL AND POLITICAL MERITS OF THE ARGUMENTS OF THE INDIVIDUALS INVOLVED HAVE BEEN GIVEN SUFFICIENT CONSIDERATION. THEY COULD BEAR ARMS IF THE TRIAL WERE TAKING PLACE IN THE FRG. GRANTED THAT ONLY THEIR PERSONAL ASSESSMENT IS INVOLVED HERE, IT NEVERTHELESS LOOKS TO CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 00934 02 OF 02 210628Z

THEM AS IF ALLIED LAW IN FORCE IN BERLIN AMOUNTS TO A LESSENING OF THEIR PERSONAL SECURITY. SECONDLY, WITH THE SCHLEYER AND NOW, IT APPEARS, MORE DEATHS ON EVERYONE'S MIND, AN ATTACK ON A JUDGE OR PROSECUTOR COULD NOT BE EXPECTED TO LEAD TO KIDNAPPING AND POSSIBLE RELEASE BUT MORE LIKELY TO MURDER, INCLUDING DIRECT ASSASSINATION ATTEMPTS ON THE TURIN MODEL. IT IS CLEAR THAT THE FRG GOVERNMENT WILL NOT NEGOTIATE FOR THE RELEASE OF A KIDNAPPED PROSECUTOR OR JUDGE HAVING REFUSED TO DO SO FOR SCHLEYER. THUS, THESE INDIVIDUALS MUST FEEL THAT IF THEY BECOME THE TARGET OF TERRORIST ATTACK, THEY CAN EXPECT TO BE KILLED, AND POSSIBLY TORTURED IN THE PROCESS. AS INDIVIDUALS, THEY MAY WELL PREFER TO HAVE THE MEANS, HOWEVER MARGINAL IN TERMS OF PRACTICAL UTILITY, TO DEFEND THEMSELVES IF, AS IN THE SCHLEYER OR MORO CASES, THEIR BODYGUARDS ARE DISPOSED OF. IN THE AFTERMATH OF A TERRORIST ATTACK ON THIS GROUP OF SELECT INDIVIDUALS, THE ALLIES COULD THEN COME IN FOR SOME BITTER CRITICISM FOR INSISTING ON A SEPARATE ARMS REGIME FOR BERLIN EVEN WHEN A SMALL GROUP OF INDIVIDUALS WAS PLACED IN PARTICULAR JEOPARDY. WE WOULD ALSO ADD OUR VIEW THAT A PROSECUTOR OR JUDGE WHO, SO TO SPEAK, DOES NOT WANT TO BE TAKEN ALIVE AND HAS MADE THE PERSONAL DECISION TO DEFEND HIMSELF IN THE CASE OF TERRORIST ASSAULT COULD BE EXPECTED TO TRAIN HIMSELF IN THE USE OF HSI WEAPON.

6. THUS, WE THINK THE QUESTION SHOULD BE KEPT OPEN AND URGENTLY DISCUSSED. WE HAVE NOT REACHED OUR OWN CONCLUSION ONE WAY OR THE OTHER, AND BELIEVE THIS IS A CASE WHERE A HIGH-LEVEL DECISION MAY EVENTUALLY BE REQUIRED. IF THE ALLIES AT THE WORKING LEVEL OPPOSE THE

IDEA, MINISTER MAC GINNIS SEEMS SOMEWHAT RECEPTIVE TO IT,  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 00934 02 OF 02 210628Z

AND IT IS INACCURATE TO SAY THAT THE BERLIN AUTHORITIES  
ARE OF ONE MIND IN OPPOSING IT - ULRICH, BAUMANN, AND  
STOBBE, ALL ADMITTEDLY WITH CONSIDERABLE DOUBTS, HAVE  
IN FACT FAVORED THE ARMING OF THIS SMALL GROUP OF PERSONS  
IF THE LATTER SO DESIRE.

7. WITH RESPECT TO THE POINT MADE BY WEGENER (REFTEL A,  
PARA 2.), THAT POLICE BODYGUARD PROTECTION IS INSUFFICIENT  
BECAUSE THE BODYGUARDS CANNOT BE CLOSE TO THE OFFICIALS  
WHILE THE LATTER ARE IN THE COURTROOM, THIS STRIKES US  
AS ONE OF THE WEAKER ARGUMENTS FOR ARMING. EXTENSIVE  
SECURITY PRECAUTIONS, INCLUDING CONTROLLING (SEARCHING)  
OF EVERYONE ENTERING THE COURTROOM AND THE PRESENCE OF  
ARMED POLICE AND PRISON GUARDS IN THE ROOM PROBABLY MAKE  
THIS THE MOST SECURE LOCATION IN BERLIN. GIVEN THE  
HIGH CONCENTRATION OF PERSONS IN THE COURTROOM, IT IS  
ALSO ONE AREA WHERE ANY GUNPALY IS BEST LEFT TO TRAINED  
PROFESSIONALS MORE LIKELY TO RESPOND PROPERLY IN THE  
EVENT OF A PERCEIVED OR ACTUAL EMERGENCY. WE WOULD  
HAVE THOUGHT THAT CARRYING A GUN COULD PROVIDE MOST  
PEACE OF MIND IN LESS-CONTROLLED SITUATIONS OUTSIDE THE  
COURTROOM.

8. WE AGREE (REFTEL B) THAT ALLIED INTERESTS WOULD BE  
SERVED BY SOME FURTHER STATEMENT IN THE BONN GROUP.  
GIVEN ALLIED MISSION DIFFERENCES, AND ESPECIALLY FRENCH  
ADAMANCY AGAINST OPENING ANY MORE DOORS ON THE ARMING  
QUESTION, WE ARE NOT SANGUINE THAT A VERY FORTHCOMING  
LINE CAN BE AGREED. HOPING THAT THE CONTINUING  
DISCUSSION HERE MAY BE HAVING SOME EFFECT, WE ARE  
TRYING FOR AGREEMENT ON A MINIMUM COMMON DENOMINATOR  
LINE WHICH WOULD REAFFIRM THE ALLIED DECISION AND  
REASONING THEREFORE, BUT CONVEY SOME FEELING OF ONGOING  
CONCERN (WITHOUT RAISING FALSE EXPECTATIONS, DISCLOSING  
DIFFERENCES, OR INDICATING WE ARE TRYING TO HAVE THE  
MATTER REVIEWED). GEORGE  
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USBERL 00934 02 OF 02 210628Z

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SMALL ARMS, PHYSICAL SECURITY, TRIALS, ATTORNEYS, TERRORISTS, THREATS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 20 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978USBERL00934  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780170-0811  
**Format:** TEL  
**From:** USBERLIN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780433/aaaabcdq.tel  
**Line Count:** 273  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 1c5279aa-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 BONN 6169, 78 BONN 6865, 78 USBERLIN 674  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 27 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2899246  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CONTINUED FRG INTEREST IN QUESTION OF ARMS FOR TRIAL OFFICIALS IN BERLIN  
**TAGS:** PGOV, PORS, WB, BQG, AKB  
**To:** BONN  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/1c5279aa-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014